WETLAND DELINEATION

FOR

ORCHARD PLACE

(PLACER COUNTY, CALIFORNIA)

July 9, 2004

Prepared for:

Rivendale Homes

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

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1.0 INTRODUCTION

On behalf of Rivendale Homes, ECORP Consulting, Inc. has conducted a wetland delineation of the 6.3-acre Orchard Place property located in Placer County, California.

The Orchard Place property is located in the town of Loomis. It is south of Taylor Road, northeast of Del Oro High School, north of rural residential parcels, and west of the Lemos Ranch development (Figure 1 – *Project Site and Vicinity*). This site corresponds to a portion of Section 3, Township 11 North, and Range 7 East of the "Rocklin, California" 7.5-minute quadrangle (U.S.D.A. Geological Survey, photo revised 1981). The project is located within the Lower American watershed (#18020111).

APPLICANT:

Attn: Gunther Boccius
Rivendale Homes
1160 N. Dutton Ave., Ste. 240
Santa Rosa, California 95401
Phone: (707) 569-3040
Fax: (707) 569-3044

AGENT:

Attn: Mr. Michael Buchalski
ECORP Consulting, Inc.
2260 Douglas Boulevard, Suite 160
Roseville, California 95661
Phone: (916) 782-9100
Fax: (916) 782-9134

2.0 SURVEY METHODOLOGY

The wetland delineation was conducted on May 20, 2004, during which time ECORP biologists Michael Buchalski and Keith Kwan walked and visually inspected the site. This wetland delineation was conducted in accordance with the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and prepared in accordance with the *Minimum Standards for Acceptance of Preliminary Wetland Delineations* (U.S. Army Corps of Engineers 2001). According to these methods, wetlands are defined as: "Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." This definition emphasizes the combination of hydric soil, hydrophytic vegetation, and hydrologic criteria. At a minimum, at least one set of paired data

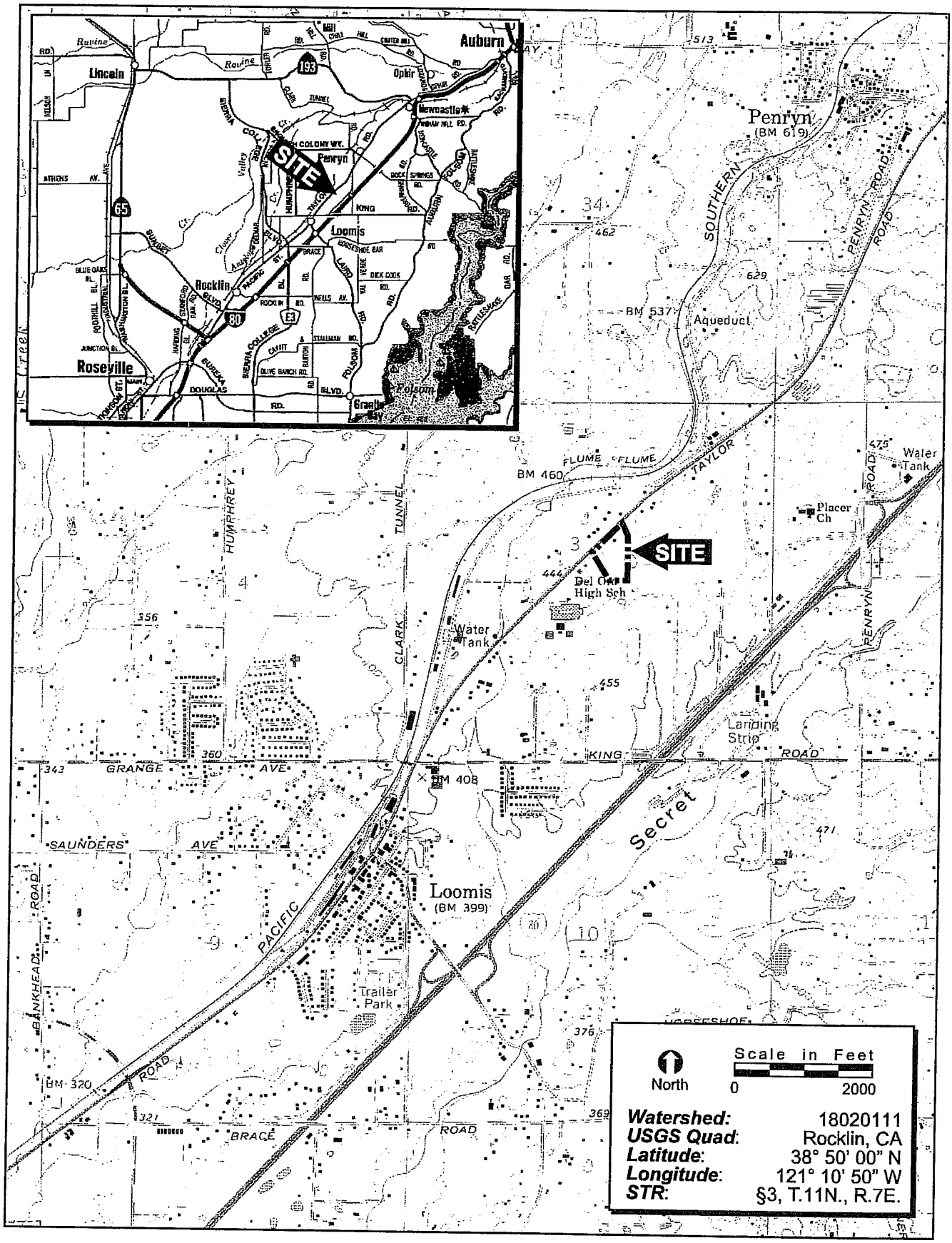

FIGURE 1. Project Site and Vicinity Map

2004-111 Orchard Place

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

points were documented for each wetland feature type. The following information was collected at each data point:

- Plant species were identified and their relative cover recorded to assess whether the hydrophytic vegetation criterion was met;
- Obvious indicators of wetland hydrology were recorded. These indicators included inundation, soil saturation, oxidized root channels, etc.; and
- Soil pits were dug to a maximum depth of 16 inches, or until refusal, and the soil examined for hydric soil indicators. Typical hydric soil indicators include mottles (spots of contrasting color), gleying (bluish or greenish coloration), or dark gray coloration (chroma of 1 or less in un-mottled soils, 2 or less in mottled soils).

A color aerial photograph (1"=1200,' flown on November, 2002) was utilized to assist with mapping and ground-truthing. A *Munsell Soil Color Chart* (Kollmorgen Instruments Corp. 1990) was used to identify hydric soils in the field and the *Jepson Manual* (Hickman 1994) and *Common Wetland Plants of Central California* (Fielder 1996) were used for plant identification. Wetland boundaries were assessed through data point collection, review of aerial photographs, and visual inspection. Wetland boundaries that could not easily be interpreted from aerial photography were walked using a Trimble™ GPS Pathfinder Pro XR receiver with a TSCe data collector to comply with the sub-meter accuracy requirement. Each data point coordinate location is on the attached wetland delineation map Figure (Figure 2) (Attachment A). The wetland delineation data sheets have been included as Attachment B. A corresponding list of plants observed at those data points is presented in Attachment C.

3.0 EXISTING SITE CONDITIONS

The site is comprised of leveled and gently rolling terrain, and is situated at an elevation of approximately 420 to 440 feet above mean sea level. According to the *Soil Survey of Placer County Western Part, California* (U.S.D.A. Soil Conservation Service 1980), two soil units, or types, have been mapped on the site (Figure 3 – *NRCS Soil Types*). These are: (106) Andregg coarse sandy

WATERS OF THE U.S. ACREAGE

CLASSIFICATION	EXISTING ACREAGE
WETLANDS:	
Seasonal Wetland	0.331
OTHER WATERS:	
Pond	0.119
TOTAL:	0.450

N

SCALE IN FEET

0 100 200

SCALE: 1" = 200'

FIGURE 2. Wetland Delineation

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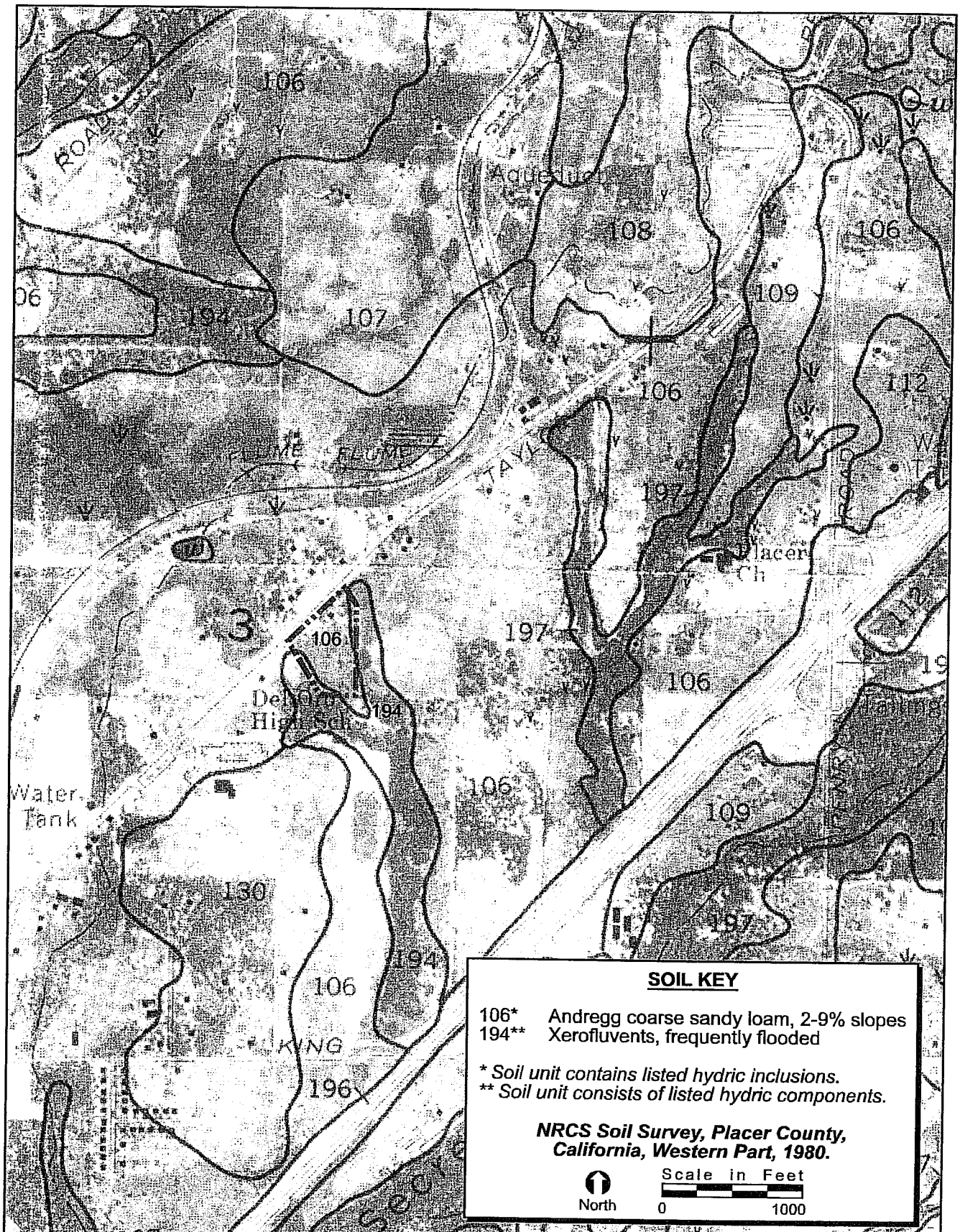


FIGURE 3. NRCS Soil Types

2004-111 Orchard Place

loam, 2-9 percent slopes and (194) Xerofluvents, frequently flooded. Both of these soil types contain either listed hydric soil components or inclusions.

Hydric soils form under sufficiently wet conditions to develop anaerobic conditions and support growth of hydrophytic vegetation. More specifically, hydric soils are ones that meet the definition and criteria developed by the National Technical Committee for Hydric Soils (NTCHS). These soils are compiled into national, state, and county hydric soil lists (*Hydric Soil Lists* - U.S.D.A. Soil Conservation Service 1992). Local soil survey reports were examined to determine if listed hydric soils are documented as occurring onsite. It should be noted that areas meeting hydric soil criteria must also meet hydrophytic vegetation or wetland hydrologic criteria in order to be classified as jurisdictional wetlands.

3.1 Vegetation Communities

Orchard Place is comprised of non-native annual grassland and orchard. The non-native annual grassland is comprised of non-native weedy species such as medusa head grass (*Taeniatherum caput-medusae*), cut-leaved geranium (*Geranium dissectum*), ripgut brome (*Bromus diandrus*), wild oats (*Avena fatua*), and yellow-star thistle (*Centaurea solstitialis*). The orchard is comprised of peach (*Prunus persica*). The trees within the orchard are evenly spaced throughout the site and average approximately 10 feet in height. The understory of the trees is made up of non-native annual grassland species. A few Valley oak (*Quercus lobata*) and interior live oak (*Quercus wislizenii*) are located throughout the property.

4.0 WATERS OF THE U.S.

Potential waters of the U.S. that were mapped onsite include jurisdictional wetlands (0.450 acre), consisting of seasonal wetlands (0.331 acre) and "other waters" in the form of a man-made stock pond (0.119 acre).

4.1 Jurisdictional Wetlands

4.1.1 Seasonal Wetlands

Seasonal wetlands are ephemerally wet areas where runoff accumulates within low-lying depressions and/or adjacent to watercourses. These areas most likely remain inundated for extended periods into the spring and summer. A total of 0.331 acre of seasonal wetland has been mapped. The vegetative composition of these seasonal wetlands is comprised of tall flatsedge (*Cyperus eragrostis*), vulpia (*Vulpia bromoides*), Dallas grass (*Paspalum dilatatum*), ryegrass (*Lolium multiflorum*), dock (*Rumex* species), Himalaya blackberry (*Rubus discolor*), willow (*Salix* species), and Valley oak (*Quercus lobata*).

4.2 Other Waters

4.2.1 Man-made Stock Pond

There is a man-made stock pond present at the site. The pond appears to be used for irrigation of the adjacent orchard. The pond appears to have a hydrologic connection with downstream jurisdictional water bodies. The stock pond is approximately 0.119 acre in size and has been included in the total acreage calculation for jurisdictional wetlands.

4.3 Interstate or Foreign Commerce Connection

Due to the rolling topography of the site, overland flows of rainwater congregate within the seasonal wetland features and pond. As water levels increase, water will top these features, flow offsite via drainage swales and man-made drainage features, and will ultimately contribute to the Secret Ravine watershed. Secret Ravine is a tributary to Dry Creek, which eventually flows into the American River system. The wetland features present, excluding the man-made drainage ditch, should be considered connected with and/or adjacent to a Waters of a U.S. and would, therefore, be connected with interstate and/or foreign commerce.

5.0 CONCLUSION

Potential waters of the U.S. that were mapped include jurisdictional wetlands in the form of seasonal wetlands (0.331 acre), and "other waters" in the form of a man-made stock pond (0.119 acre). Any impact to the natural wetland features would likely require permitting pursuant to Section 404 and 401 of the federal Clean Water Act.

LIST OF ATTACHMENTS

Attachment A – Wetland Delineation Map

Attachment B – Wetland Delineation Data Sheets

Attachment C – Plant List

ATTACHMENT A

Wetland Delineation Map

ATTACHMENT B

Wetland Delineation Data Sheets

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

ROUTINE WETLAND DELINEATION

Project/Site: Orchard Place Date: 5/20/04 Sample Point: 01

Applicant/Owner: Rivendale Communities Field Investigator(s): M. Buchalski, K. Kwan

County: Placer State: CA Plant Community: Annual grassland

Quad(s): Rocklin, CA Section/Township/Range: Sec. 3 / T. 11N / R. 7E

Do normal environmental conditions exist site? Yes ☒ No ☐ If no, explain:

Atypical Situation? Yes ☒ No ☐ Explain: Irrigation has enhanced wetland feature

Is this a potential Problem Area? Yes ☒ No ☐ Explain: Seasonal wetland

VEGETATION

HYDROPHYTIC VEGETATION? Yes ☒ No ☐

	Dominant Species	Ind. Status	Stratum	Rel. % Cover		Dominant Species	Ind. Status	Stratum	Rel. % Cover
1)	CYP ERE	FACW	H	50	5)	QUE LOB	FAC*	T	50
2)	VUL BRO	FACW	H	20	6)				
3)	RUB DIS	FACW*	S	100	7)				
4)	SAL spp	FACW+	T	50	8)				

Percentage of dominant species that are OBL, FACW, and/or FAC [excluding FAC-]: 5 of 5 = 100 %

Comments:

HYDROLOGY

WETLAND HYDROLOGY? Yes ☒ No ☐

Recorded Data: Yes ☐ No ☒ If yes,

Depth of surface water: – (in.) Depth to free water in pit: – (in.) Depth to saturated soil: – (in.)

Primary Indicators: ☐ Inundated ☐ Saturated in Upper 12 in. ☐ Water Marks ☐ Drift Lines ☐ Sediment Deposits ☒ Drainage Patterns in Wetlar

Secondary Indicators (2 or more required):

☐ Oxidized Root Channels in Upper 12 in. ☐ Water-stained Leaves ☐ Local Soil Survey Data ☐ FAC-Neutral Test ☐ Other

Comments:

SOILS

HYDRIC SOILS? Yes ☒ No ☐

Series/Phase: 194 – Xerofluvents, frequently flooded Drainage Class:

Taxonomy [Subgroup]: Xerofluvents Thermic Confirm Map Type: Yes ☐ No ☒

☐ Histosol ☐ Histic Epipedon ☐ Sufidic Odor ☐ Aquic Moisture Regime ☐ Reducing Conditions ☐ Gleyed/Low Chroma Colors ☐ Concretio

☐ High Organic Content in Surface Layer in Sandy Soils ☐ Organic Streaking in Sandy Soils ☒ Listed on Hydric Soils List ☐ Other

Inclusions [Series/Phase]: On Hydric Soils List: Yes ☐ No ☐

Depth (in.)	Horizon	Matrix Color	Mottle Color	Mottle (Abund/Contrast/Size)	Texture, Concretions, Structure
10	A	10YR 3/3		None	Sandy loam

Comments:

* DECISION *

WETLAND / WATERS DETERMINATION? Yes ☒ No ☐

Rationale: All three criteria were met.

General comments:

Wetland Type: Seasonal wetland

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

ROUTINE WETLAND DELINEATIO

Project/Site: Orchard Place Date: 5/20/04 Sample Point: 02

Applicant/Owner: Rivandale Communities Field Investigator(s): M. Buchalski, K. Kwan

County: Placer State: CA Plant Community: Annual grassland

Quad(s): Rocklin, CA Section/Township/Range: Sec. 3 / T. 11N / R. 7E

Do normal environmental conditions exist site? Yes ☒ No ☐ If no, explain:

Atypical Situation? Yes ☐ No ☒ Explain:

Is this a potential Problem Area? Yes ☐ No ☒ Explain:

VEGETATION

HYDROPHYTIC VEGETATION? Yes ☐ No

Dominant Species	Ind. Status	Stratum	Rel. % Cover	Dominant Species	Ind. Status	Stratum	Rel. % Cover
1) CON ARV	N/L	H	30	5)			
2) VUL BRO	FACW	H	30	6)			
3)				7)			
4)				8)			

Percentage of dominant species that are OBL, FACW, and/or FAC [excluding FAC-]: 1 of 2 = 50 %

Comments:

HYDROLOGY

WETLAND HYDROLOGY? Yes ☐ No

Recorded Data: Yes ☐ No ☒ If yes,

Depth of surface water: — (in.) Depth to free water in pit: — (in.) Depth to saturated soil: — (in.)

Primary Indicators: ☐ Inundated ☐ Saturated in Upper 12 in. ☐ Water Marks ☐ Drift Lines ☐ Sediment Deposits ☐ Drainage Patterns in Wetl

Secondary Indicators (2 or more required):

☐ Oxidized Root Channels in Upper 12 in. ☐ Water-stained Leaves ☐ Local Soil Survey Data ☐ FAC-Neutral Test ☐ Other

Comments:

SOILS

HYDRIC SOILS? Yes ☐ No

Series/Phase: 106 - Andregg coarse sandy loam Drainage Class: well drained

Taxonomy [Subgroup]: Typic Haploxerolls Confirm Map Type: Yes ☐ No ☒

☐ Histosol ☐ Histic Epipedon ☐ Sufidic Odor ☐ Aquic Moisture Regime ☐ Reducing Conditions ☐ Gleyed/Low Chroma Colors ☐ Concret

☐ High Organic Content in Surface Layer in Sandy Soils ☐ Organic Streaking in Sandy Soils ☐ Listed on Hydric Soils List ☐ Other

Inclusions [Series/Phase]: Unnamed soils in drainageways On Hydric Soils List: Yes ☒ No ☐

Depth (in.)	Horizon	Matrix Color	Mottle Color	Mottle (Abund/Contrast/Size)	Texture, Concretions, Structure
4	A	10YR4/3			sandy loam - DG

Comments: Redoxal - dense soil / (DG) decomposed granite.

* DECISION *

WETLAND / WATERS DETERMINATION? Yes ☐ No ☒

Rationale: None of the three criteria were met.

General comments:

Wetland Type: Upland

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

ROUTINE WETLAND DELINEATI

Project/Site: Orchard Place Date: 5/20/04 Sample Point: 03

Applicant/Owner: Rivendale Communities Field Investigator(s): M. Buchalski, K. Kwan

County: Placer State: CA Plant Community: Annual grassland

Quad(s): Rocklin, CA Section/Township/Range: Sec. 3 / T. 11N / R. 7E

Do normal environmental conditions exist site? Yes ☒ No ☐ If no, explain:

Atypical Situation? Yes ☒ No ☐ Explain:

Is this a potential Problem Area? Yes ☐ No ☒ Explain:

VEGETATION

HYDROPHYTIC VEGETATION? Yes ☒ No

	Dominant Species	Ind. Status	Stratum	Rel. % Cover		Dominant Species	Ind. Status	Stratum	Rel. % Cover
1)	TYP spp	OBL	H	70	5)				
2)	QUE LOB	FAC*	T	60	6)				
3)					7)				
4)					8)				

Percentage of dominant species that are OBL, FACW, and/or FAC [excluding FAC-]: 2 of 2 = 100 %

Comments:

HYDROLOGY

WETLAND HYDROLOGY? Yes ☒ No

Recorded Data: Yes ☐ No ☒ If yes,

Depth of surface water: – (in.) Depth to free water in pit: – (in.) Depth to saturated soil: – (in.)

Primary Indicators: ☐ Inundated ☐ Saturated in Upper 12 in. ☐ Water Marks ☐ Drift Lines ☒ Sediment Deposits ☐ Drainage Patterns in We

Secondary Indicators (2 or more required):

☐ Oxidized Root Channels in Upper 12 in. ☐ Water-stained Leaves ☐ Local Soil Survey Data ☐ FAC-Neutral Test ☐ Other

Comments:

SOILS

HYDRIC SOILS? Yes ☐ No

Series/Phase: 106 - Andregg coarse sandy loam Drainage Class: well drained

Taxonomy [Subgroup]: Typic Haploxeralls Confirm Map Type: Yes ☐ No ☒

☐ Histosol ☐ Histic Epipedon ☐ Sufidic Odor ☐ Aquic Moisture Regime ☐ Reducing Conditions ☐ Gleyed/Low Chroma Colors ☐ Concre

☐ High Organic Content in Surface Layer in Sandy Soils ☐ Organic Streaking in Sandy Soils ☐ Listed on Hydric Soils List ☐ Other

Inclusions [Series/Phase]: Unnamed soils in drainageways On Hydric Soils List: Yes ☒ No

Depth (in.)	Horizon	Matrix Color	Mottle Color	Mottle (Abund/Contrast/Size)	Texture, Concretions, Structure
0					Decomposed granite

Comments: Refusal at 0 in due to very hard soil / bedrock.

* DECISION *

WETLAND / WATERS DETERMINATION? Yes ☒ No ☐

Rationale: Feature is man-made. Two of three criteria were met.

General comments: Stock pond excavated in decomposed granite.

Wetland Type: Stock pond

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

ROUTINE WETLAND DELINEATIO

Project/Site: Orchard Place Date: 5/20/04 Sample Point: 04

Applicant/Owner: Rivendale Communities Field Investigator(s): M. Buchalski, K. Kwan

County: Placer State: CA Plant Community: Annual grassland

Quad(s): Rocklin, CA Section/Township/Range: Sec. 3 / T. 11N / R. 7E

Do normal environmental conditions exist site? Yes ☒ No ☐ If no, explain:

Atypical Situation? Yes ☐ No ☒ Explain:

Is this a potential Problem Area? Yes ☐ No ☒ Explain:

VEGETATION

HYDROPHYTIC VEGETATION? Yes ☐ No

	Dominant Species	Ind. Status	Stratum	Rel. % Cover		Dominant Species	Ind. Status	Stratum	Rel. % Cover
1)	CON ARV	N/L	H	30	5)				
2)	VUL BRO	FACW	H	25	6)				
3)					7)				
4)					8)				

Percentage of dominant species that are OBL, FACW, and/or FAC [excluding FAC-]: 1 of 2 = 50 %

Comments:

HYDROLOGY

WETLAND HYDROLOGY? Yes ☐ No

Recorded Data: Yes ☐ No ☒ If yes,

Depth of surface water: — (in.) Depth to free water in pit: — (in.) Depth to saturated soil: — (in.)

Primary Indicators: ☐ Inundated ☐ Saturated in Upper 12 in. ☐ Water Marks ☐ Drift Lines ☐ Sediment Deposits ☐ Drainage Patterns in Wet

Secondary Indicators (2 or more required):

☐ Oxidized Root Channels in Upper 12 in. ☐ Water-stained Leaves ☐ Local Soil Survey Data ☐ FAC-Neutral Test ☐ Other

Comments:

SOILS

HYDRIC SOILS? Yes ☐ No

Series/Phase: 106 - Andregg coarse sandy loam Drainage Class: well drained

Taxonomy [Subgroup]: Typic Haploxerolls Confirm Map Type: Yes ☐ No ☒

☐ Histosol ☐ Histic Epipedon ☐ Sufidic Odor ☐ Aquic Moisture Regime ☐ Reducing Conditions ☐ Gleyed/Low Chroma Colors ☐ Concre

☐ High Organic Content in Surface Layer in Sandy Soils ☐ Organic Streaking in Sandy Soils ☐ Listed on Hydric Soils List ☐ Other

Inclusions [Series/Phase]: Unnamed soils in drainage ways On Hydric Soils List: Yes ☒ No ☐

Depth (in.)	Horizon	Matrix Color	Mottle Color	Mottle (Abund/Contrast/Size)	Texture, Concretions, Structure
0					Decomposed granite

Comments: Refusal at 0 in due to very hard soil / bedrock

* DECISION *

WETLAND / WATERS DETERMINATION? Yes ☐ No ☒

Rationale: Vegetation and hydrology criteria were not met. Soil type is DG.

General comments:

Wetland Type: Upland

ATTACHMENT C

Plant List

Orchard Place
Wetland Delineation
Plants Observed at Data Points

Abbr.	Scientific Name	Common Name	Indicator Status
BRA spe.	*Brassica* species	Mustard	N/L
CIR ARV	*Cirsium arvense*	Canada thistle	FAC-
CON ARV	*Convolvulus arvensis*	Morning glory	N/L
CRY spe.	*Crypsis* species	Prickle grass	OBL
CYP ERA	*Cyperus eragrostis*	Tall flatsedge	FACW
ELE ACI	*Eleocharis acicularis*	Least spikerush	OBL
LEO TAR	*Leontodon taraxacoides*	Hairy hawkbit	FACU
PAS DIL	*Paspalum dilatatum*	Dallis grass	FAC
PLA LAN	*Plantago lanceolata*	English plantain	FAC-
QUE LOB	*Quercus lobata*	Valley oak	FAC*
RUB DIS	*Rubus discolor*	Blackberry	FACW*
RUM CRI	*Rumex crispus*	Curly dock	FACW-
SAL spe.	*Salix* species	Willow	FACW+
SPE spe.	*Spergularia* species	Sandspurry	---
TYP spe.	*Typha* species	Cattail	OBL
VUL BRO	*Vulpia bromoides*	Vulpia	FACW

Indicator Status Codes

OBL = Obligate Wetland; occur almost always (estimated probability >99%) under natural conditions in wetlands.
FACW = Facultative Wetland; usually occur in wetlands (estimated probability 67%-99%) under natural conditions in wetlands.
FAC = Facultative; equally likely to occur in wetlands or non-wetlands (estimated probability 34%-66%).
FACU = Facultative Upland; usually occur in non-wetlands (estimated probability 67%-99%).
UPL = Obligate Upland; occur almost always (estimated probability >99%) in non-wetlands in the region specified.
N/L = Not Listed.
NI = No indicator was recorded for those species for which insufficient information was available to determine a status.
-- = May or may not occur in wetlands depending upon species.
A positive (**+**) sign indicates a frequency toward the higher (more frequently found in wetlands) end of the facultative categories.
A negative (**-**) sign indicates a frequency toward the lower (less frequently found in wetlands) end of the facultative categories.
An asterisk (*) indicates a tentative assignment based upon limited information or conflicting review.

1160 Dutton Avenue, #240
P.O. Box 2217, Santa Rosa, CA 95401
Phone: 707-569-3040
Fax: 707-569-3044

Rivendale Homes Inc.

Fax

To: Kathryn Kerdus | From: Mark Wolfe

Fax: 916 652 1840 | Pages: Six w/ cover

Phone: | Date: 3/22/06

Re: Orchard Place | CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Kathryn:

Forwarded with this FAX are:

1. July 15, 2005 letter from ACOE confirming
   a) That the "pond" is not under their jurisdiction and,
   b) That we've got 0.33 Acres of "Wetlands" on the site
2. July 29, 2005 letter from Corps authorizing fill of ~~of~~ the wetlands.

Mark

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

REPLY TO
ATTENTION OF

July 15, 2005

Regulatory Branch (200400889)

Gunther Boccius
Rivendale Homes
1160 N. Dutton Ave., Suite 240
Santa Rosa, California 95401

Dear Mr. Boccius:

We are responding to your consultant's request for an approved jurisdictional determination for the Orchard Place site. This approximately 6.3-acre site is located on tributaries to Secret Ravine in Section 3, Township 11 North, Range 7 East, MDB&M, Latitude 038° 50′ 0.54″, Longitude 121° 10′ 48.8″, Placer County, California.

Based on available information, we concur with the estimate of waters of the United States, as depicted on the October 18, 2004, Figure 2. Wetland Delineation drawing prepared by ECORP Consulting, Incorporated. Approximately 0.33 acres of waters of the United States, including wetlands, are present within the survey area. These waters are regulated under Section 404 of the Clean Water Act since they are tributary to Secret Ravine. Secret Ravine is a tributary to Miners Ravine. Miners Ravine is a tributary to Dry Creek. Dry Creek is a tributary to the Natomas East Main Drainage Canal (NEMDC). The NEMDC is a tributary to the Sacramento River. The Sacramento River is a navigable water of the United States.

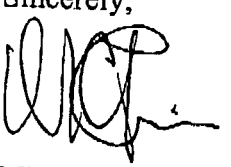
The water identified as the non-jurisdictional pond on the above drawing is pond dug in uplands and an intrastate isolated water with no apparent interstate or foreign commerce connection. As such, this water is not currently regulated by the Corps of Engineers. This disclaimer of jurisdiction is only for Section 404 of the Federal Clean Water Act. Other Federal, State, and local laws may apply to your activities. In particular, you may need authorization from the California State Water Resources Control Board and/or the U.S. Fish and Wildlife Service.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. A *Notification of Administrative Appeal Options and Process and Request for Appeal* form is enclosed. If you wish to appeal this approved jurisdictional determination, please follow the procedures on the form. You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

This determination has been conducted to identify the limits of Corps of Engineers' Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

Please refer to identification number 200400889 in any correspondence concerning this project. If you have any questions, please contact Andrea Jones at our Sacramento Valley Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email *Andrea.J.Jones@usace.army.mil*, or telephone 916-557-7745. You may also use our website: *www.spk.usace.army.mil/regulatory.html*.

Sincerely,



Michael C. Finan
Acting Chief, Central California/
Nevada Section

Enclosure

Copy furnished without enclosure:

Craig Hiatt, ECORP Consulting, Incorporated, 2260 Douglas Blvd., Suite 160, Roseville, California 95661-4209
George Day, Storm Water and Water Quality Certification Unit, Central Valley Regional Water Quality Control Board, 11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Oscar Balaguer, Chief, Water Quality Certification Unit, California State Water Resources Control Board, 1001 I Street, Sacramento, California 95814
U.S. Fish and Wildlife Service, Wetlands Branch, 2800 Cottage Way, Suite W2605, Sacramento, California 95825-3901
U.S. Fish and Wildlife Service, Endangered Species Division, 2800 Cottage Way, Suite W2605, Sacramento, California 95825-3901

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

REPLY TO
ATTENTION OF

July 29, 2005

Regulatory Branch (200400889)

Mark Wolfe
Rivendale Homes
1160 N. Dutton Ave., Suite 240
Santa Rosa, California 95401-4671

Dear Mr. Wolfe:

We are responding to your April 12, 2005 request for a Department of the Army permit for the Orchard Place residential development. This approximately 6.3-acre project involves activities, including discharges of dredged or fill material, in waters of the United States to construct a residential development. The site is located in Section 3, Township 11 North, Range 7 East, MDB&M, Latitude 038° 50′ 0.54″, Longitude 121° 10′ 48.8″, in the City of Loomis, Placer County, California.

Based on the information you provided, the proposed activity in approximately 0.331 acres of seasonal wetlands associated with unnamed drainages tributary to Secret Ravine is authorized by Nationwide Permit Number 39 for Residential, Commercial, and Institutional Developments. However, the State has not issued water quality certification under Section 401 of the Clean Water Act for this permit. The work may not proceed until certification is obtained from the State water quality agency at the address below. Work may then proceed subject to the terms and conditions of certification. Your work must comply with the general terms and conditions listed on the enclosed Nationwide Permit information sheets and the following special conditions:

1. To mitigate for the loss of 0.331 acres of waters of the United States, you shall purchase 0.331 credits of seasonal wetlands at a Corps approved wetland mitigation bank. The selected mitigation bank shall include the area of the permitted project within its service area. Evidence of this purchase shall be provided to this office prior to proceeding with any activity otherwise authorized by this permit. A list of approved mitigation banks has been included for your reference.

2. You shall have a biologist, who is familiar with seasonal wetlands and intermittent streams, monitor all construction activities within 250 feet of seasonal wetland and drainage features adjacent to the project site. The monitor shall ensure no unauthorized activities occur on adjacent properties during project implementation.

3. You must allow representatives from the Corps of Engineers to inspect the authorized activity and any avoidance areas at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

You must sign the enclosed Compliance Certification and return it to this office within 30 days after completion of the authorized work.

This verification is valid for two years from the date of this letter, or until the Nationwide Permit is modified or expires, whichever comes first. The Nationwide Permit is scheduled to expire on March 18, 2007. It is incumbent upon you to remain informed about changes to the Nationwide Permit Program.

Please refer to identification number 200400889 in any correspondence concerning this project. If you have any questions, please contact Andrea Jones at our Sacramento Valley Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email *Andrea.J.Jones@usace.army.mil*, or telephone 916-557-7745. You may also use our website: *http://www.spk.usace.army.mil/regulatory.html*.

Sincerely,

Thomas J. Cavanaugh
Chief, Sacramento Valley Office

Enclosures

Copy furnished without enclosures:

Craig Hiatt, ECORP Consulting, Incorporated, 2260 Douglas Blvd., Suite 160, Roseville, California 95661-4209
George Day, Storm Water and Water Quality Certification Unit, Central Valley Regional Water Quality Control Board, 11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Terry Roscoe, California Department of Fish and Game Region 2, 1701 Nimbus Drive, Rancho Cordova, California 95670-4599
U.S. Fish and Wildlife Service, Wetlands Branch, 2800 Cottage Way, Suite W2605, Sacramento, California 95825-3901
U.S. Fish and Wildlife Service, Endangered Species Division, 2800 Cottage Way, Suite W2605, Sacramento, California 95825-3901
Rodney R. McInnis, Acting Regional Administrator, National Marine Fisheries Service, 650 Capitol Mall, Suite 8-300, Sacramento, California 95814-4706

COMPLIANCE CERTIFICATION

Permit File Number: 200400889

Nationwide Permit Number:

Permittee: Mark Wolfe
Rivendale Homes
1160 N. Dutton Ave., Suite 240
Santa Rosa, California 95401-4671

County: Placer

Date of Verification: July 29, 2005

Within 30 days after completion of the activity authorized by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Regulatory Branch
Sacramento Valley Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
916-557-5261

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of the permit your authorization may be suspended, modified, or revoked. If you have any questions about this certification, please contact the Corps of Engineers.

* * * * * * * * *

I hereby certify that the work authorized by the above-referenced permit, including all the required mitigation, was completed in accordance with the terms and conditions of the permit verification.

_____
Signature of Permittee Date